

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **March 11, 2003**

AGENDA ITEM NO.: 16

CONSENT:

REGULAR: **X**

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: Vacating a Portion of Public Right-of-Way located on Florida Avenue, and the Conveyance of Any Residual Interest in this Right-of-Way to James R. Nowlin, Sr., and Carentha Nowlin

RECOMMENDATION:

Adopt an ordinance vacating a portion of public right-of-way located on Florida Avenue, and approving the conveyance of any residual interest the City might have in this vacated right-of-way to James R. Nowlin, Sr., and Carentha Nowlin.

SUMMARY:

On January 14 City Council granted a conditional use permit to Temple of Deliverance Church for use of the property at 1040 – 1042 Florida Avenue as a church sanctuary. The project will require that a portion of public right-of-way on Florida Avenue where an existing building currently protrudes therein be vacated in addition to the City agreeing to convey any residual interest that it might have in this vacated right-of-way to the property owners, James R. Nowlin, Sr., and Carentha Nowlin. The City's Right-of-Way Agent has determined the price of the City's residual interest, or .0225 acre, to be \$127.00.

At the February 11 public hearing, a representative of the petitioners requested that action be deferred to the March 11 meeting to allow time to resolve outstanding questions regarding the remaining right-of-way.

PRIOR ACTION(S):

December 31, 2002: Technical Review Committee Review

February 4, 2003: Physical Development Committee Review

February 11, 2003: City Council Public Hearing

BUDGET IMPACT:

None

CONTACT(S):

Pat Kost 847-1443/228

Tracey Norvelle 847-7796

ATTACHMENT(S):

- Ordinance
- Map
- Technical Review Committee Report
- Application

REVIEWED BY: lkp

AN ORDINANCE VACATING A PORTION OF PUBLIC RIGHT-OF-WAY LOCATED ON FLORIDA AVENUE, AND APPROVING THE CONVEYANCE OF ANY RESIDUAL INTEREST THE CITY MIGHT HAVE IN THIS VACATED RIGHT-OF-WAY TO JAMES R. NOWLIN, SR., AND CARENTHA NOWLIN

WHEREAS, the City of Lynchburg, on its own motion, is proposing to vacate a portion of public right-of-way located on Florida Avenue; and

WHEREAS, all of the adjoining property owners are in agreement to the vacation of this portion of public right-of-way; and

WHEREAS, City Council finds that no public inconvenience will result from vacating this portion of public right-of-way;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Lynchburg, on its own motion, and in accordance with the provisions of Section 15.2-2006 of the Code of Virginia, 1950, as amended, and Section 35-71 through Section 36-77 of the City Code, 1981, as amended, the following described portion of public right-of-way be, and the same hereby is, discontinued and vacated, namely:

The existing portion of right-of-way of Florida Avenue where an existing building currently protrudes therein and more fully described as follows:

Beginning at iron pin found on the easterly right-of-way of Florida Avenue being the common corner between Lot 2 and Lot 3, Block 1 of the Winfree Addition; thence with said right-of-way South 12 degrees 00 minutes 00 seconds East 70.29 feet to a point; thence South 58 degrees 28 minutes 25 seconds West 110.22 feet to an iron pin found; thence leaving the existing right-of-way and with the new right-of-way North 48 degrees 52 minutes 05 seconds East 77.76 feet to an iron pin set; thence North 15 degrees 25 minutes 59 seconds East 78.05 feet to the point of beginning containing 0.045 acre.

Provided, however, that an easement to locate, relocate, repair, replace, maintain and perpetually operate all utilities and public uses currently located therein or needed by the City in the future is hereby reserved unto the City of Lynchburg, and the construction of any building or structure or the use of the vacated property in any manner that could interfere with the City's right to locate, relocate, repair, replace and maintain and perpetually operate utilities is prohibited without the prior written approval of the City Manager's Office, City Utilities Division and the City Engineering Division.

BE IT FURTHER ORDAINED That the Clerk of Council is hereby authorized and directed to deliver a duly-certified copy of this ordinance to the Clerk of the Circuit Court for the City of Lynchburg so that said certified copy of this ordinance may be recorded as deeds are recorded and indexed in the name of the City of Lynchburg.

BE IT FURTHER ORDAINED That the Council of the City of Lynchburg does hereby approve the conveyance of any residual interest the City might have in this vacated right-of-way to James R. Nowlin, Sr., and Carentha Nowlin, and hereby authorize the City Manager to execute a deed to convey this portion of right-of-way to James R. Nowlin, Sr., and Carentha Nowlin.

Adopted:

Certified:

Clerk of Council

047P



The City of Lynchburg, Virginia

CITY HALL, LYNCHBURG, VIRGINIA 24505 • (804) 847-1508
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PLANNING DIVISION

January 23, 2003

TO: Patricia W. Kost, Clerk of Council

FROM: Annette M. Chenault, Planner II *Annette Chenault*

RE: Street Vacation – Portion of Florida Avenue
1040-42 Florida Avenue

On December 31, 2002 the Technical Review Committee (TRC) reviewed the proposed street vacation for a portion of Florida Avenue. Following are the comments:

1. The subject preliminary plat (*James R. Nowlin, Sr., and Carentha Nowlin*) proposes the vacation of a portion of Florida Avenue. The proposed right-of-way vacation must be reviewed and approved by City Council.
2. All lots fronting on the portion of Florida Avenue to be vacated have additional right-of-way frontage on Florida Avenue. The right-of-way vacation would not landlock any lots located along Florida Avenue. Therefore, the Planning Division has no concerns.
3. In order to vacate a portion of right-of-way, we need to have some understanding of how much right-of-way we have left. Please indicate the remaining right-of-way width of Florida Avenue after the subject right-of-way is vacated.

Attachment

pc: Technical Review Committee

APPLICATION FOR THE VACATION OF A
PORTION OF PUBLIC RIGHT-OF-WAY
(Street/Alley)
LOCATED
ON FLORIDA AVENUE

The undersigned applicants, James R. Nowlin, Sr., and Carentha Nowlin, pursuant to the provisions of Section 15.2-2006 of the Code of Virginia, 1950, as amended, and Section 35-71 through Section 36-77 of the City Code, 1981, as amended, respectfully makes application to the Lynchburg City Council for the vacation of that certain portion of public right-of-way described as follows:

The existing portion of right-of-way of Florida Avenue where an existing building currently protrudes therein and more fully described as follows.

Beginning at iron pin found on the easterly right-of-way of Florida Avenue being the common corner between Lot 2 and Lot 3, Block 1 of the Winfree Addition; thence with said right-of-way South 12 degrees 00 minutes 00 seconds East 70.29 feet to a point; thence South 58 degrees 28 minutes 25 seconds West 110.22 feet to an iron pin found; thence leaving the existing right-of-way and with the new right-of-way North 48 degrees 52 minutes 05 seconds East 77.76 feet to an iron pin set; thence North 15 degrees 25 minutes 59 seconds East 78.05 feet to the point of beginning containing 0.045 acre.

The applicants further request the Lynchburg City Council to hold a public hearing on this application at its meeting to be held in the Council Chambers, City Hall, 900 Church Street, Lynchburg, Virginia, on February 11, 2003, at 7:30 p.m., or as soon thereafter as the matter may be heard, and at the conclusion of which hearing to consider whether or not to vacate the above described public right-of-way.

Given under my hand this 8th day of January, 2003.

Caroline F. Nowlin
Applicant

2120 Florida Avenue, Lynchburg, VA 24502
Address

845-5933
Telephone Number

WE, THE ADJOINING PROPERTY OWNER(S), ARE IN AGREEMENT TO THE
VACATION OF THE ABOVE DESCRIBED PROPERTY:

The City of Lynchburg is the only adjoining property owner.